

4/19/19

Subcommittee on HB 2418/SB 507  
Recommendation

(7) (a) As used in this subsection:

(A) “Acute Stress Disorder” has the meaning given that term in the DSM-V.

(B) “Covered Employee” means an individual who, on the date a claim is filed under this section:

(1) Had been employed for at least 5 years in any of the following occupations by the state, any political subdivision of this state, a special government body as defined in ORS 174.117, or a public agency, or has experienced a single traumatic event which satisfies Criterion A of the Post-Traumatic Stress Disorder diagnostic criteria found in the DSM-V while employed in any of the following occupations by the state, any political subdivision of this state, a special government body as defined in ORS 174.117, or a public agency:

(i) A full-time paid firefighter;

(ii) A full-time paid emergency medical services provider;

(iii) A full time paid police officer;

(iv) A full time paid corrections officer or youth corrections officer;

(v) A full time paid Emergency Dispatcher or a 911 Emergency Operator, or

(vi) A full time paid parole and probation officer; and

(2) Either remains so employed at the time the claim is filed, or has been separated from such employment at the time the claim is filed for no more than 7 years.

(C) “DSM-V” means the fifth edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association.

(D) “Post-Traumatic Stress Disorder” has the meaning given that term in the DSM-V.

(E) "Psychiatrist" means a psychiatrist whom the Oregon Medical Board has licensed and certified as eligible to diagnose the conditions described in this subsection.

(F) "Psychologist" means a licensed psychologist, as defined in 675.010, whom the Oregon Board of Psychology has certified as eligible to diagnose the conditions described in this subsection.

(b) Notwithstanding subsections (2) and (3) of this section, where a covered employee establishes through a preponderance of the persuasive medical evidence from a psychiatrist or psychologist that it is more likely than not that the covered employee has satisfied the DSM V diagnostic criteria for Post-Traumatic Stress Disorder or Acute Stress Disorder, any resulting death, disability or impairment of health of a covered employee shall be presumed to be compensable as an occupational disease. This presumption may be rebutted only by an insurer or self-insured employer establishing through clear and convincing medical evidence that duties as a covered employee were not of real importance or great consequence in causing the diagnosed condition.

(c) An insurer's or self-insured employer's acceptance of a claim under this subsection, whether voluntary or as a result of a judgment or order, shall not preclude the insurer or self-insured employer from later denying the current compensability of the claim if:

(A) For claims accepted for Acute Stress Disorder or Post-Traumatic Stress Disorder, exposures as a covered employee to trauma meeting the diagnostic criteria A for PTSD in DSM V cease being of real importance or great consequence in causing the disability and need for treatment of the diagnosed condition.

(B) Any denial issued under this paragraph (c) of this subsection must be based on clear and convincing medical evidence.

(d) Notwithstanding ORS 656.027(6), a city that provides a disability or retirement system for firefighters and police officers by ordinance or charter that is not subject to this chapter, when accepting and processing claims for death, disability or impairment of health from firefighters and police officers covered by the disability or retirement system, shall apply:

(A) The provisions of this subsection; and

(B) The time limitations set forth in ORS 656.807(1) and (2) shall apply to the filing of claims under this subsection.

**SECTION 2. The amendments to ORS 656.802 by section 1 of this 2019 Act apply only to claims for benefits filed on or after the effective date of this 2019 Act. This 2019 Act shall become effective 60 days after being signed into law.**